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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: |) | CERTIFICATE OF FACSIMILE |
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| McMichael, J. <i>et al.</i> |) | |
| |) | I hereby certify that this paper and the |
| Serial No.: 09/495,186 |) | documents referred to herein as enclosed |
| |) | are being transmitted via facsimile to the |
| Filed: February 1, 2000 |) | U.S. Patent and Trademark Office, 703- |
| |) | 872-937, on this date: |
| For: TREATMENT OF SYMPTOMS |) | |
| OF ASTHMA, ALLERGIES AND |) | Date: November 5, 2001 |
| OTITIS MEDIA |) | |
| |) | |
| Group Art Unit: 1633 |) |  |
| |) | Jeffrey S. Sharp |
| Examiner: Wilson, M. |) | Reg. No. 31,879 |

**AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111 AND SUBMISSION OF
TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321**

Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Office Action dated July 3, 2001 in which all pending claims (1-20) are finally rejected under one or more of 35 U.S.C. §§112 (first and second paragraphs), 103(a), and under the judicially created doctrine of obviousness-type double patenting. This response is timely filed as it is filed along with a one-month extension and associated fees. A terminal disclaimer related to pending claims 8-14 over U.S. Patent Nos. 5,726,160 and 5,955,442 is filed herewith. Reconsideration and allowance of the claims is solicited in light of the following amendments and remarks.